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DEPENDABLE SHEET METAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FAIRMONT SPECIALTY INSURANCE
COMPANY, a Delaware corporation; and TIG
INSURANCE COMPANY, a California
corporation,

Plaintiffs,

v.

INSURANCE CORPORATION OF NEW
YORK, a New York corporation;
DEPENDABLE SHEET METAL, a
California corporation; and DOES 1 through
10,

Defendants.

CASE NO.: C07-03421 VRW

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF DEPENDABLE SHEET
METAL NOTICE OF MOTION/MOTION
TO REMAND**

[28 USC 1447]

DATE: SEPTEMBER 6, 2007

TIME: 2:00 P.M.

DEPT.: Courtroom 6, 17th Floor

JUDGE: The Hon. Vaughn R. Walker

Defendant DEPENDABLE SHEET METAL (hereinafter referred to as
“DEPENDABLE”) respectfully request that this Court take judicial notice of the following
documents pursuant to Federal Rule of Evidence section 201 which states:

(a) This rule governs only judicial notice of adjudicative facts.

(b) Kinds of facts.

A judicially noticed fact must be one not subject to reasonable dispute in that it
is either (1) generally known within the territorial jurisdiction of the trial court
or (2) capable of accurate and ready determination by resort to sources whose
accuracy cannot reasonably be questioned.

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Judicial Notice may be taken of documents filed and orders or decisions entered in any federal or state court. United States v. Warneke (7th Cir. 1999) 199 F3d 906, 909, fn. 1.

1. Attached to the Declaration of Jayne Loughry as Exhibit A is a certified copy of the Reporter's Transcript from the April 23, 2007 hearing in the matter of Kaiser, et. al. v. KB Homes, et al.; California Superior Court-Contra Costa County Case No C05-00991.

2. Attached to the Declaration of Joseph Oliva as Exhibit F is a true and correct copy of FAIRMONT SPECIALTY INSURANCE COMPANY and TIG INSURANCE COMPANY'S Complaint for Declaratory Relief and Equitable Compensation filed in the Superior Court of the State of California, for the County of Contra Costa, on May 29, 2007, Case No. C07 01170.

3. Attached to the Declaration of Joseph Oliva as Exhibit I is a true and correct copy of a print-out from the California Secretary of State's website identifying DEPENDABLE SHEET METAL as a Corporation organized and existing under the laws of the state of California.

4. Attached to the Declaration of Joseph Oliva as Exhibit J is a true and correct copy of a print-out from the California Secretary of State's website identifying HDR INSURANCE MANAGERS, LLC as a Company organized and existing under the laws of the state of California.

DATED: July 26, 2007

OLIVA & ASSOCIATES, ALC

By: /s/ JOSEPH L. OLIVA
Joseph L. Oliva, Esq.
Attorney for Defendant,
DEPENDABLE SHEET METAL